

AMENDED IN SENATE JUNE 22, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1952

Introduced by Assembly Members Niello and John A. Perez

February 17, 2010

An act to amend Section 12509 of, *and to add Section 12509.5 to*, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1952, as amended, Niello. Vehicles: instruction permit: motorcycle.

Existing law prohibits a person from driving a *two-wheel* motorcycle, motor-driven cycle, ~~or motorized scooter~~, motorized bicycle *moped*, or *bicycle with an attached motor* upon a highway, unless the person holds a valid driver's license or endorsement for that class, with certain exceptions. Existing law allows a person, who is 15 years and 6 months or older, ~~with who has~~ a valid instruction permit *to drive a motor vehicle* and ~~successful completion of who has successfully completed~~ automobile driver education and driver training, and a person who is 17 years and 6 months or older, ~~with who has~~ a valid instruction permit *to drive a motor vehicle*, to operate a *two-wheeled* motorcycle, *motor-driven cycle*, motorized scooter, ~~or~~ motorized bicycle, *moped*, or *bicycle with an attached motor*, with certain exceptions during hours of darkness, on freeways, and for carrying a passenger. Existing law provides that a person under 21 years of age may not be issued a class M1 or M2 license or endorsement *to drive a motorcycle*, unless he or she provides evidence satisfactory to the Department of Motor Vehicles of completion of a specified motorcycle safety training program.

The bill would instead prohibit any person under 21 years of age from operating, *or obtaining an M1 or M2 license to operate, a two-wheel motorcycle, motor-driven cycle, motorized scooter, or a motorized bicycle, moped, or bicycle with a motor attached* unless he or she has *obtained and held for 6 months a valid instruction permit and has successfully completed approved courses in automobile driver education and driver training, or has a valid driver's license, and has successfully completed a specified motorcycle safety training program and obtained an M1 or M2 license or endorsement pursuant to procedures established under the bill.*

Because, under existing law, a violation of the Vehicle Code is a crime, this bill would impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known as Jared's Law.

2 ~~SECTION 1.~~

3 SEC. 2. Section 12509 of the Vehicle Code is amended to read:

4 12509. (a) Except as otherwise provided in subdivision (f) of
5 Section 12514, the department, for good cause, may issue an
6 instruction permit to a physically and mentally qualified person
7 who meets one of the following requirements and who applies to
8 the department for an instruction permit:

9 (1) Is age 15 years and 6 months or older, and has successfully
10 completed approved courses in automobile driver education and
11 driver training as provided in paragraph (3) of subdivision (a) of
12 Section 12814.6.

13 (2) Is age 15 years and 6 months or older, and has successfully
14 completed an approved course in automobile driver education and
15 is taking driver training as provided in paragraph (3) of subdivision
16 (a) of Section 12814.6.

1 (3) Is age 15 years and 6 months and enrolled and participating
2 in an integrated automobile driver education and training program
3 as provided in subparagraph (B) of paragraph (3) of subdivision
4 (a) of Section 12814.6.

5 (4) Is over the age of 16 years and is applying for a restricted
6 driver's license pursuant to Section 12814.7.

7 (5) Is over the age of 17 years and 6 months.

8 (b) The applicant shall qualify for, and be issued, an instruction
9 permit within 12 months from the date of the application.

10 (c) An instruction permit issued pursuant to subdivision (a) shall
11 entitle the applicant to operate a vehicle, subject to the limitations
12 imposed by this section and any other provisions of law, upon the
13 highways for a period not exceeding 24 months from the date of
14 the application.

15 (d) Except as provided in Section 12814.6, a person, while
16 having in his or her immediate possession a valid permit issued
17 pursuant to paragraphs (1) to (3), inclusive, of subdivision (a), may
18 operate a motor vehicle, other than a motorcycle, motorized
19 scooter, or a motorized bicycle, when accompanied by, and under
20 the immediate supervision of, a California licensed driver with a
21 valid license of the appropriate class, 18 years of age or over whose
22 driving privilege is not on probation. An accompanying licensed
23 driver at all times shall occupy a position within the driver's
24 compartment that would enable the accompanying licensed driver
25 to assist the person in controlling the vehicle as may be necessary
26 to avoid a collision and to provide immediate guidance in the safe
27 operation of the vehicle.

28 ~~(e) A person, under 21 years of age shall not operate a~~
29 ~~motorcycle, motorized scooter, or a motorized bicycle unless he~~
30 ~~or she has a valid permit issued pursuant to subdivision (a) and~~
31 ~~has successfully completed approved courses in automobile driver~~
32 ~~education and driver training as provided in paragraph (3) of~~
33 ~~subdivision (a) of Section 12814.6, or has a valid driver's license,~~
34 ~~and has successfully completed a motorcycle safety training~~
35 ~~program that is operated pursuant to Article 2 (commencing with~~
36 ~~Section 2930) of Chapter 5 of Division 2 and obtained an M1 or~~
37 ~~M2 license or endorsement pursuant to Section 12804.9.~~

38 (f)

39 (e) A person, while having in his or her immediate possession
40 a valid permit issued pursuant to paragraph (4) of subdivision (a),

1 may only operate a government-owned motor vehicle, other than
2 a motorcycle, motorized scooter, or a motorized bicycle, when
3 taking a driver training instruction administered by the California
4 National Guard.

5 ~~(g)~~

6 (f) The department may also issue an instruction permit to a
7 person who has been issued a valid driver's license to authorize
8 the person to obtain driver training instruction and to practice that
9 instruction in order to obtain another class of driver's license or
10 an endorsement.

11 ~~(h)~~

12 (g) The department may further restrict permits issued under
13 subdivision (a) as it may determine to be appropriate to ~~assure~~
14 ensure the safe operation of a motor vehicle by the permittee.

15 *SEC. 3. Section 12509.5 is added to the Vehicle Code, to read:*

16 *12509.5. (a) A person who is under 21 years of age shall*
17 *obtain and have held for six months an instruction permit issued*
18 *pursuant to this section prior to operating, or applying for a class*
19 *M1 or M2 driver's license to operate, a two-wheel motorcycle,*
20 *motor-driven cycle, motorized scooter, motorized bicycle, moped,*
21 *or bicycle with an attached motor. The person shall meet the*
22 *following requirements to obtain an instruction permit for purposes*
23 *of this section:*

24 *(1) If age 15 years and 6 months or older, but under the age of*
25 *18, the applicant shall meet all of the following requirements:*

26 *(A) Have a valid class C license or complete driver education*
27 *and training pursuant to paragraph (3) of subdivision (a) of Section*
28 *12814.6.*

29 *(B) Complete a motorcycle safety course administered by the*
30 *Department of the California Highway Patrol.*

31 *(C) Take a written exam.*

32 *(2) If 18 years of age or older, the applicant shall meet both of*
33 *the following requirements:*

34 *(A) Complete a motorcycle safety course administered by the*
35 *Department of the California Highway Patrol.*

36 *(B) Take a written exam.*

37 *(b) A person issued an instruction permit pursuant to this section*
38 *shall not operate a two-wheel motorcycle, motor-driven cycle,*
39 *motorized scooter, motorized bicycle, moped, or bicycle with an*
40 *attached motor during the hours of darkness, shall stay off any*

1 *freeways that have full control of access and have no crossings at*
2 *grade, and shall not carry any passenger except an instructor*
3 *licensed under Chapter 1 (commencing with Section 11100) of*
4 *Division 5 or a qualified instructor as defined in Section 41907 of*
5 *the Education Code.*

6 *(c) An instruction permit issued pursuant to this section shall*
7 *be valid for 24 months.*

8 ~~SEC. 2.~~

9 *SEC. 4.* No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.